No. 7215/00
Filed today 3.7.00
by Shri [illegible]
For Registrar,
M. P. State Adm. Tribunal,
RAIPUR.

BEFORE THE HON'BLE MADHYA PRADESH STATE ADMINISTRATIVE TRIBUNAL, AT RAIPUR BENCH

CGP(S) 330/00

ORIGINAL APPLICATION NO. 532 OF 2000

SMT. NEERJA TIWARI
WIFE OF SHRI V.D. TIWARI
LECTURER
GOVT. MULTIPURPOSE HIGHER SECONDARY SCHOOL
RAJNANDGAON M.P.

APPLICANT/ PETITIONER

VERSUS

1. STATE OF MADHYA PRADESH
Through Secretary, ~~school~~ ~~Public~~ school &
Department of Higher Education Department,
Mantralaya,
Bhopal (M.P.) - 462 004

2 Commissioner of Higher Education Department &
Government of Madhya Pradesh
Satpura Bhawan
Bhopal (M.P.)

NON-APPLICANTS/ RESPONDENTS

Details of the Application

ORIGINAL APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT 1985

No. 7215/00
Filed today 3.7.00
by Shri Tulsi AM Sahu

AH+Acc
& C/
REGIS.

Ammended as per
order of the
Hon'ble Tribunal
on Dt. 10.7.2000

Counsel for
the Applicant.

2. Commissioner.
Public School Education Department,
Bhopal M.P.

3. Director,
Public School Education Department,
Bhopal M.P.

4. Joint Director,
Public School Education Durg Division,
Office of the Joint Director,
Durg Division Durg M.P.

5. Principal.
Govt. Multipurpose Higher Secondary School
Rajnandgaon (M.P.).

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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 3307 of 2005

Petitioner : Smt. Neerja Tiwari

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Sachin Singh Rajput, Advocate for the Petitioner.
Shri V.V.S. Moorthy, Deputy Advocate General with Smt. Anju Ahuja, Govt. Advocate for the State/respondents.

O R D E R

(31st October, 2006)

1. The petitioner is working as Lecturer in the government schools. In the course of her services as Lecturer, the petitioner has obtained B. Ed. examination certificate on her own expenses before 1.3.1999.

2. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed./B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

3. Further in the matter of Smt. Manorama Shrivastava Vs. State of M.P. and others { 2000 (1) M.P.L.S.R. 136 } the Madhya Pradesh State Administrative Tribunal, Gwalior Bench, while considering the circular dated 1.3.1999 wherein, it is provided that the Assistant Teachers, who have acquired B. Ed. degree at their own cost between 23.10.1964 and 7.5.1973 shall be entitled to two advance increments, relied on decision in the case of Rakesh Kumar Shrivastava Vs. State of M.P. & others passed in O.A. No. 1632/99, decided on 12.10.1999 wherein it is observed that the

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circular dated 1.3.1999 cannot be made applicable retrospectively. Thus, a teacher, may be Assistant Teacher, who has obtained B. Ed. degree before 1.3.1999 is entitled to two advance increments.

4. It is pointed out by learned counsel appearing for the petitioners that the then State of Madhya Pradesh had filed a Special Leave Petition against the orders passed by the Tribunal and the Hon'ble Supreme Court dismissed Special Leave Petition No. 1999/2000 filed against the order of the Tribunal. Therefore, the direction to the effect that the circular dated 1.3.1999 cannot be made applicable retrospectively, passed by the Tribunal, becomes final and the same shall be applicable to all the Assistant Teachers who have obtained B. Ed. examination certificate before 1.3.1999. It is further substantiated by a circular dated 17.10.2003 issued by the present State of Madhya Pradesh wherein the circular clearly states about the decision of the Supreme Court.

5. Learned counsel for the petitioners further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

6. Accordingly, the writ petition is allowed in terms of the order passed in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra), subject to verification of the fact as to whether the petitioner has acquired B. Ed. Examination Certificate on her own expenses as per the circulars dated 24.12.1998 and 1.3.1999 and further whether she has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash